

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM CUMMINGS, :
Plaintiff : **CIVIL ACTION NO. 1:22-1118**
v. : **(MANNION, D.J.)**
: **(CARLSON, M.J.)**
R. KRAMER, et al., :
Defendants :

ORDER

In accordance with this court's Memorandum issued this same day, **IT**

IS HEREBY ORDERED THAT:

1. The September 7, 2022 report of Magistrate Judge Carlson, **(Doc. 6)**, is **ADOPTED IN ITS ENTIRETY**.
2. The defendants' motion to dismiss, **(Doc. 6)**, is **GRANTED, IN PART**, and **DENIED, IN PART**.
3. All of the claims in the plaintiff's complaint, **(Doc. 1-1)**, are **DISMISSED WITHOUT PREJUDICE**, except for the 8th

Amendment claim against defendant Lawton specified in the report, which will proceed.

4. The plaintiff is **GRANTED** leave to file one amended complaint that conforms to Judge Carlson's directives upon remand of this case.
5. The clerk of court is directed to **REMAND** this case to Judge Carlson for further proceedings consistent with this Order.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: September 29, 2022

22-1118-01-Order